

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHRISTOPHER SHAUN BRADLEY,

Defendant-Appellant.

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UNPUBLISHED

April 24 2001

No. 222122

Calhoun Circuit Court

LC No. 99-000111-FH

Before: Talbot, P.J., and Sawyer and F. L. Borchard\*, JJ.

MEMORANDUM.

Defendant was convicted by a jury of second-degree home invasion, MCL 750.110a(3); MSA 28.305(a)(3), for which he was sentenced to serve 3½ to 15 years in prison. He appeals as of right, contending that his sentence is disproportionate. We affirm.

Although the sentencing guidelines are inapplicable to the offense of home invasion, the sentence imposed must be proportionate to the seriousness of the circumstances surrounding the offense and the offender. *People v Milbourn*, 435 Mich 630, 661; 461 NW2d 1 (1990). This Court reviews claims of disproportionality for an abuse of discretion. *Id.* at 636. We reject defendant's argument that the sentence constitutes an abuse of discretion because it was only intended to punish him and failed to consider his potential for rehabilitation, his mental health condition, or the positive aspects of his background. Having reviewed the record, we find that the trial court properly considered the various aggravating factors in this case, and that the sentence was not an abuse of discretion.

Affirmed.

/s/ Michael J. Talbot

/s/ David H. Sawyer

/s/ Fred L. Borchard

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\* Circuit judge, sitting on the Court of Appeals by assignment.